IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 24505 of 2004

Between:

Smt. Kalakanti Usha Rani W/o Late Gangadhara Rao
Resident of Nidadavole West Godavari District
Aged about 32 yrs

..... PETITIONER

AND

1 The Commercial Tax Officer Nidadavole
West Godavari District.
2 The Deputy commerical Tax Officer O/o The Commercial

Tax Officer Nidadavole. West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring the in

action on the part of the respondents in not disposing of the application of the petitioner dt. 01/12/2004 for supplying copies of the assessment orders passed for assessment years 1998-1999 and 1999-2000 under Andhra Pradesh Rural Development Act., APGST and CST Acts but taking coercive action for realization of the alleged arrears by sale of properties in the auction on 13/12/2004 as illegal, arbitrary, unjust and opposed to the principles of natural justice and consequently direct the respondents to consider and dispose of the representation dt. 01/12/2004 for supply or copies of assessment order for 1998-99 and 1999-2000 purported to have been passed on the proprietor late. K.Gangadhara Rao of M/s. Sri Pandarinatha Rice Mill, D.Muppavaram expeditiously and direct the respondents to halt/suspend all coercive steps for realisation and settlement of the arrears till the supply of copies of assessment orders under the above said statue and grant such other relief or reliefs as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.M.V.J.K.KUMAR

Counsel for the Respondent No.: GP FOR COMMERCIAL TAXES

The Court at the stage of admission made the following :

O R D E R (Per MHSA,J)

Having heard the learned counsel for respective parties and also having perused the relevant enclosures to the writ petition, we are inclined to dispose of the instant writ petition with certain directions and observations, without going into the merits of the main controversy.

2. If the petitioner submits an application to the competent authority for furnishing certified copies of the assessment orders in the prescribed form with requisite fees, same shall be considered by the authorities and certified copies be furnished without prejudice to the rights and contentions of the respondent – Revenue authorities, either as to limitation or otherwise whatsoever.

3 . It shall be open to the petitioner, thereafter, to take such appropriate proceedings in respect thereof, as may be available to the petitioner at law or as petitioner may be advised, including on the self-same cause of action as stated in the present writ petition.

4. With the liberty as afore stated and subject to the observations, as above, writ petition shall stand disposed of. No costs.

M.H.S.ANSARI,J

ELIPE DHARMA RAO,J

AVS

Date:29.12.2004

Note:

C.C. on priority basis.

B/O

To

1 The Commercial Tax Officer Nidadavole
West Godavari District.
2 The Deputy commerical Tax Officer O/o The Commercial

Tax Officer Nidadavole. West Godavari District.

3. Two C.Cs. to G.P. for Commercial Tax, High Court of A.P.,

Buildings, Hyderabad (O.U.T.).

4. Two C.D. copies.